

Section 905 - Bad Checks

Section 905:00. Issuance of Worthless Checks.

Subd. 1. Definitions. "Credit" means an arrangement or understanding with the drawee for the payment of any check or other order for the payment of money to which this ordinance applies.

Subd. 2. Issuance of Worthless Checks Prohibited. Whoever issues any check, draft, or other order for the payment of money which, at the time of issuance, he intends shall not be paid, shall be guilty of a penal offense and upon conviction thereof may be sentenced to imprisonment for not more than 90 days or to a payment of a fine of no more than \$300.00 or both.

Subd. 3. Proof of Intent. Any of the following is and shall constitute evidence sufficient to sustain a finding by any court that the person at the time he issued any check, draft or other order for the payment of money, intended it should not be paid,

- (1) Proof that, at the time of issuance, he did not have an account with the drawee; or
- (2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed within five days after receiving notice of nonpayment or dishonor to pay the check, draft or other order; or
- (3) Proof that when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed within five days after receiving notice of nonpayment or dishonor to pay the check, draft or other order.

Subd. 4. Proof of Lack of Funds or Credit. If the check, draft or other order for the payment of money has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.

Subd. 5. Exceptions. This ordinance shall not apply to any postdated check or to any check, draft or other order given for a past consideration, except a payroll check.